

# **MANISTEE CITY PLANNING COMMISSION**

Meeting of Thursday, August 4, 2011  
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

## **AGENDA**

### **I Call to Order**

### **II Roll Call**

### **III Approval of Agenda**

At this time the Planning Commission can take action to approve the August 4, 2011 Agenda.

### **IV Approval of Minutes**

At this time Planning Commission can take action to approve the July 7, 2011 meeting Minutes.

### **V Public Hearing**

### **VI Public Comment on Agenda related items**

### **VII New Business**

#### Special Use Permit for 300 Care Center Drive, Manistee, Michigan

A letter has been received from Kreis, Enderle, Udgers & Borsos, PC Attorneys for Per Wickstrom and TIA Corporation, Inc. asking the Planning Commission for a six month extension for the Special Use Permit for 300 Care Center Drive. The Special Use Permit is currently held by Bellasam Inc. Due to financial difficulties the facility was closed in September 2010. The six month extension (March 15, 2012) is to allow Mr. Per Wickstrom and TIA Corporation, Inc. the opportunity to acquire the property and resume operations of the facility.

At this time the Planning Commission can approve/deny the request for a six month extension of the Special Use Permit for 300 Care Center Drive, Manistee, Michigan (March 15, 2012).

### **VIII Old Business**

### **IX Public Comments and Communications**

At this time the Chair will ask if there are any public comments.

**X Correspondence**

At this time the Chair will ask if any correspondence has been received to be read into the record.

**XI Staff/Sub-Committee Reports**

At this time the Chair will ask Staff for their report.

At this time the Chair will ask if any of the Sub-Committees have anything to report.

**XII Members Discussion**

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

**XIII Adjournment**

## **CITY OF MANISTEE PLANNING COMMISSION**

70 Maple Street  
Manistee, MI 49660

### **MEETING MINUTES**

July 7, 2011

A meeting of the Manistee City Planning Commission was held on Thursday, July 7, 2011 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Vice Chair Fortier

Roll Call:

Members Present: Linda Albee, Maureen Barry, David Crockett, Bill Dean, Ray Fortier, Eric Gustad, Marlene McBride,

Members Absent: Nathaniel Neider (excused), Roger Yoder (excused)

Others: Jon R. Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

### **APPROVAL OF AGENDA**

Motion by Bill Dean, seconded by Dave Crockett that the agenda be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Albee, Barry, Crockett, Dean, Gustad, McBride, Fortier,  
No: None

### **APPROVAL OF MINUTES**

Motion by Linda Albee, seconded by Marlene McBride that the minutes of the June 2, 2011 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Dean, Albee, Barry, Crockett, Gustad, McBride, Fortier,  
No: None

## **PUBLIC HEARING**

None

## **Public Comment on Agenda related items**

None

## **NEW BUSINESS**

None

## **OLD BUSINESS**

### **Accessory Wind Energy Conversion Systems**

The Planning Commission has been developing Ordinance Language for Accessory Windmills. Reviewed the draft that included the recommendations from the Sub-Committee; discussed Item #4 and determined that it was not necessary and removed it from the document and renumbered the remaining items. The Planning Commission directed staff to schedule a Public Hearing. Hearing will be scheduled for the September Planning Commission meeting.

## **PUBLIC COMMENTS AND COMMUNICATIONS**

None

## **CORRESPONDENCE**

None

## **STAFF/SUB-COMMITTEE REPORTS**

**Jon Rose, Community Development Director** – Marina dedication was yesterday; reported on the Cedar Street Construction project; First Street project has a pre-bid meeting on July 14<sup>th</sup> and project will begin in August.

**Denise Blakeslee, Planning & Zoning** – Will schedule a bus tour for the September Worksession; Lighthouse Transfer Ceremony was last week; new City Web page to launch Friday, forms for the Planning Commission will be available in a fallible format on line.

## **MEMBERS DISCUSSION**

Commissioner Crockett commended the Lions Club for the renovation of the picnic shelters at First Street Beach.

Commissioner McBride commended Jack Garber and the DPW on the great job they did cleaning up after the Forest Festival.

The Planning Commission does not have a Worksession Scheduled for July.

The next regular meeting of the Planning Commission will be held on Thursday, August 4, 2011.

## **ADJOURNMENT**

Motion by Linda Albee, seconded by Marlene McBride that the meeting be adjourned.  
MOTION PASSED UNANIMOUSLY.

MANISTEE PLANNING COMMISSION

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Denise J. Blakeslee, Recording Secretary

# KREIS ENDERLE

KREIS, ENDERLE, HUDGINS & BORSOS, P.C.

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July 22, 2011

**Via US Mail**

City of Manistee  
Planning Commission  
70 Maple Street  
P.O. Box 358  
Manistee, Michigan 49660

**Re: Special Use Permit for 300 Care Center Drive, Manistee, Michigan**

Ladies and Gentlemen of the Planning Commission:

This firm represents Mr. Per Wickstrom and TIA Corporation, Inc., a Michigan Corporation regarding the above-referenced property ("Property").

**Factual Background**

On January 19, 2007, a land contract was executed between Manistee Heights Care Center Inc., a Michigan Corporation and Tendercare (Michigan) Inc., a Michigan corporation (collectively "Sellers") as the vendors and TIA Corporation, a Michigan Corporation ("TIA") as the vendee (the "Land Contract"). On October 31, 2007, Sellers assigned their interest to, Michigan Living Centers Limited Partnership, a Michigan limited partnership, ("Michigan Living Centers").

In or around 2008, the shareholders of TIA, Per Wickstrom and Kate Wickstrom filed for divorce. Pursuant to the decree of divorce, Per Wickstrom became the sole shareholder of TIA, and Kate Wickstrom became the sole shareholder of Bellasam, Inc., a Michigan corporation ("Bellasam"). In order to provide for an equal distribution of marital assets, the decree of divorce also provided that TIA assign its interest in the Property to Bellasam, and on January 15, 2008, TIA assigned its interest under the Land Contract to Bellasam.

Subsequent to the divorce, Kate Wickstrom encountered financial difficulties, and Bellasam defaulted on the Land Contract by failing to make payments to Michigan Living Centers. Bellasam also failed to pay state and federal income taxes and failed to pay withholding taxes. Various governmental agencies imposed tax liens on the property in the amount of around \$60,000.00. In addition, Bellasam failed to pay property taxes on the Property. Michigan Living Centers paid the back taxes to avoid the sale of the Property at a tax sale. Bellasam is now insolvent, and on or around September 2010, it ceased conducting business at the Property. Michigan Living Centers has initiated an action against Bellasam for Land Contract Forfeiture to reclaim the property.

July 22, 2011

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On or around November 16, 2006, the City of Manistee (the "City") issued a special use permit for the Property to Narconon Stone Hawk permitting the Property to be used as a drug and alcohol rehabilitation facility. On or around October 28, 2008, the Special Use Permit was transferred to Bellasam, Inc. (See Attached Exhibit "A") (the "SUP").

#### Discussion

TIA Corporation is interested in acquiring the Property from Bellasam and/or Michigan Living Centers, and has retained this firm for such purposes. As the Property was vacated on or around September, 2010, TIA is concerned that the SUP will expire on or around September 2011, pursuant to the City of Manistee Zoning Ordinance Article 18, Section 1801.1. TIA wants to operate a drug and alcohol rehabilitation facility on the Property, and the validity of the SUP is a prerequisite for TIA to pursue acquisition of the Property. If the SUP expires, TIA is investigating the acquisition other sites outside of the City and outside Manistee County.

TIA believes that it is in the interest of the City to see that the Property does not remain vacant. If TIA can successfully pursue acquisition of the Property, it will mean more tax revenue for the City. Moreover, TIA plans to occupy the Property on an expedited timeline, which will avoid many of the problems associated with vacant buildings, including blight, urban decay and crime.

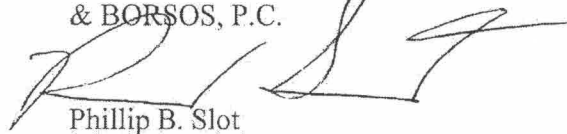
Accordingly, TIA respectfully requests that at its August 4, 2011 hearing, the Planning Commission of the City of Manistee ("Commission"), grant a six month extension of the SUP, providing that the SUP shall not expire until March 15, 2012. From now until March 15, 2012, TIA will take all necessary actions to acquire the Property and begin operations on the Property, including filing an application with this Commission requesting transfer of the SUP to TIA, along with any other actions that may be required by the City or this Commission for TIA to operate its facility on the Property.

\* \* \* \*

In the event that the Commission Approves this request, please provide me with a copy of the minutes of the hearing, any resolution approving the extension, and a letter confirming your decision. Please contact my office regarding any fees or costs that are imposed by the City for these services, and I will see that you are promptly reimbursed.

Thank you for your time and consideration. Please feel free to contact me if you have any questions or concerns or if I can provide you with any other information that may be helpful in your determination.

KREIS, ENDERLE, HUDGINS,  
& BORSOS, P.C.



Phillip B. Slot

Enclosures

cc: George Saylor, Esq. [gvs@gwsh.com](mailto:gvs@gwsh.com)  
414 Water Street  
Manistee, Michigan 49660

Mr. Per Wickstrom (email only)  
Ken Petterson, Esq. (email only)  
Michael Toth, Esq. (email only)



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2008R006443

USE PERMIT

PENNY A. PEPERA - REGISTER OF DEEDS

MANISTEE COUNTY, MICHIGAN

RECORDED ON

10/28/2008 01:43:13PM

REC FEE: 35.00

PAGES: 8

RECEIVED

OCT 28 2008

MANISTEE COUNTY  
REGISTER OF DEEDS

TRANSFER OF  
SPECIAL USE PERMIT

CITY OF MANISTEE

70 Maple Street, P.O. Box 358

Manistee, Michigan 49660

This SPECIAL USE PERMIT, herein after referred to as the permit, is transferred pursuant to the authority granted in Article 18: Standards and Requirements for Special Uses, Section 1801.H of the Manistee City Zoning Ordinance, effective March 27, 2006.

Name of Permit Holder: Bellasam, Inc.,  
Kathleen J. Wickstrom, President  
Mailing Address: 11333 North Bluff Road  
Traverse City, MI 49686

Name of Property Owner: Michigan Living Center LP      Bellasam Inc.  
Mailing Address: 209 E. Portage Avenue      11333 North Bluff Road  
Sault Ste Marie, MI 49738      Traverse City, MI 49686

Description of Property affected by Special Use Permit: See Attachment A (Legal Descriptions)  
Tax Parcel Number: 51-51-713-125-00, 51-51-713-125-01, 51-51-713-125-03  
Property Address: 300 Care Center Drive, Manistee, Michigan, 49660

Description of Special Use Granted, as Permitted in Article #18, Section #1866 Uses Similar to Uses Permitted as Special Land Uses

Special Use Permit Application #PC-2006-13 as Approved by the Planning Commission on October 5, 2006, Site Plan and Landscape Plan (Job No 61606247 prepared by Mansfield & Associates)

PERMIT CONDITIONS AND REQUIREMENTS:

This permit is issued, subject to the following conditions and/or requirements as contained in Article 18, Section 1802:  
CONDITIONS See Attachment AA (Original Permit) and Attachment B (Resolution of Approval)

TRANSFER OF PERMIT

This permit is transferable only in accordance with Article 18, Section 1801.H of the ordinance.

EXPIRATION OF PERMIT (as per Article 18 Section 1801.I):

A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent permitted use or Special Use permit.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If the use is abandoned, moved or vacated for a period of one year.

VIOLATIONS OF PERMIT (see Article 18 Section 1801.J):

Any violation of the terms, conditions or limitations of a Special Use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the Special Use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).